

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

MUHAMMAD YASIN AND MUHAMMAD J ALI, VC 2014-MA-014 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit an accessory storage structure greater than 200 sq. ft. Located at 3314 Glenmore Dr., Falls Church, 22041, on approx. 11,550 sq. ft. of land zoned R-3, HC. Mason District. Tax Map 61-2 ((9)) 5. (Concurrent with SP 2014-MA-202). Mr. Smith moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on July 8, 2015; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are the owners of the property.
2. The Board incorporated the rationale provided in the staff report.
3. The Board noted the particular concerns about the property being of a general recurring nature, so it would have been reasonably practical to formulate a general reduction to be adopted as an amendment to the Ordinance.

This application fails to meet all of the following Required Standards for Variances as set forth in Section 15.2-2201 and 15.2-2309 of the Virginia Code; specifically, the variance:

1. Does not require a reasonable deviation from the Zoning Ordinance with regard to (i) shape, (ii) size, (iii) area of the lot or parcel, or (iv) the size, height, area, bulk, or location of a building or structure, (v) the need for such variance is not shared generally by other properties;
2. The strict application of the Zoning Ordinance does not unreasonably restrict the utilization of the property and the variance does not alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance;
3. The hardship was created by the applicant for the variance;
4. The variance will be of substantial detriment to adjacent property and nearby properties in the proximity of the subject property;
5. The condition creating the need for the variance is of such a general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

NOW, THEREFORE, BE IT RESOLVED that the subject application is **DENIED**.


AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has not satisfied to the Board that a strict application of the terms of the Zoning Ordinance would unreasonably restrict the utilization of the property or alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **DENIED**.

Mr. Byers seconded the motion, which carried by a vote of 5-0. Ms. Theodore was not present for the vote. Mr. Hart recused himself from the public hearing.

A Copy Teste:


Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals